

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CLAUDIA HARRIS,
Plaintiff

v. Index No.:1:24 Civ.7696

EXPERIAN INFORMATION
SOLUTIONS, INC.; EQUIFAX
INFORMATION SERVICES, LLC,
Defendants.

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PLAINTIFF CLAUDIA HARRIS MOTION TO REMAND

Pursuant of Title 28 U.S.C. section 1445 the non removable claims are certain civil claims against railroads, (§ 1445(a),(b)); suits under “workmen’s compensation laws,” (§ 1445(c)); and suits under a specific provision of the Violence Against Women Act, (§ 1445(d).) Cases raising a federal question pursuant to Title 28 United States Code section 1331 can be removed. If the claims in the case include both federal-question claims and non-removable claims or claims over which the court cannot assert original or supplemental jurisdiction, the action is still removable. See 28 U.S.C. § 1332

1. Plaintiff, Claudia Harris, originally started the case in Queens Civil Court as it is both convenient as a resident of Queens county and the civil court originally set to handle the summons of endorsed complaint already paid for and served by New York City Sheriff Department also those serving costs were already paid for against Defendant, Experian Information Solutions, Inc. by Plaintiff.
2. Counsel for Defendant, Experian Information Solutions, Inc, seeks diversity jurisdiction to compel district court to remove the case from Civil Court. To assert this the claim of the Plaintiff, is for \$50,000 from the Defendant, Experian Information Solutions, Inc. independently as the second listed Defendant Equifax Information Services, LLC is a separate company by which the Plaintiff has requested this company to render \$50,000. The Albany Sheriff Department has yet to render receipt of service to the Plaintiff, for proof of service to Equifax Information Services, LLC. Hitherto between the defendants the amount in dispute is less than \$75,000 thereby this illustrates that there is no grounds for a removal from lower court to federal court, Title 28 U.S.C. section 1332. See Walker v. James, No.23 Civ. 260 (JHR), 2023 WL 3766311, at * 1 (S.D.N.Y. June 1, 2023).

Regarding the forum-defendant exception neither of the Defendants are citizens of only one specific location , both have offices in New York State. Defendant, Experian Information Solutions, Inc. is headquartered in Dublin, Ireland and holding New York office located in Manhattan at 1271 6th Avenue New York, New York 10020. This New York office is the company profile registered with Dun & Bradstreet as 1271 Avenue of Americas, New York, New York 10020-1300; Defendant, Equifax Information Services, LLC is headquartered in 1550 Peachtree St. NW Atlanta, Georgia 30309 and also is registered with Dun & Bradstreet corporate office in New York State, Manhattan located at 708 3rd. Ave. New York, New York 10017-4201 United States, therefore pursuant to 28 U.S.C. § 1332 both Defendants are citizens of New York State, and the amount at stake being sort by Plaintiff separately from each of the listed Defendants is less than \$75,000 this would appear to not be applicable and thus inappropriate for 28 U.S.C. § 1332. An action is not removable on diversity grounds if “any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” (§ 1441(b)(2)) which is the case as shown in Exhibit A according to Dun

&Bradstreet both named Defendants have corporate profiles listing them in Manhattan, New York, 28 U.S.C. § 1332 (c)(1).

3. However counsel for Defendant, Experian Information Solutions, Inc is looking do move this case to federal court to evade state court litigation and removal procedures look to favor defendants in evasion of state court litigation. The purpose is to compel arbitration through district court but there is no such valid agreement that has been entered into by the Plaintiff, Claudia Harris with Defendant, Experian Information Solutions, Inc. So the move to federal court from state civil court would be fruitless as no valid agreement between parties, as Plaintiff, Claudia Harris has not now or ever assented of her own free will to provide consent to be a member of any subscription offered by Defendant, Experian Information Solutions, Inc to help her monitor her consumer reporting. Although it is federal courts pleasure to encourage and uphold Federal Arbitration Act ("FAA"), 9 U.S.C. §1 et seq. enacted in 1925, " it does not require parties to arbitrate when both have not agreed to do so." Volt Info. Scis., Inc. v. Bd. of Trs. of Leland Stanford Jr. Univ., 489 U.S. 468, 478, 109 S. Ct. 1248, 103 L. Ed. 2d 488 (1989); E.E.O.C. v. Waffle House, Inc., 534 U.S. 279, 293, 122 S.Ct. 754, 151 L. Ed. 2d 755 (2002). (quoted from Schnabel v. Tile giant Corp., 697 F. 3d 110 (2012)).
between diverse parties where more than \$75,000 is in dispute within the meaning of title 28 United States Code section 1332 are generally removable.

4. Requirement of unanimity among Defendants has not been established, all defendants who have been "properly joined and served" must join or agree to the removal of the action. (§ 1446(b)(2)(A)).

5. The question of whether there is federal question seems not to be so as Defendants, Equifax Information Services LLC and Experian Information Solutions, Inc are citizens of New York, as per each of the Defendants' company profile found on Dun & Bradstreet.

The compliant being sort by Plaintiff, Claudia Harris, is less than \$75,000 for each Defendant aforementioned, 28 U.S.C. § 1447(c). Exhibit B

Plaintiff, Claudia Harris, is asking the court to grant motion to remand based on the facts and evidence shared and allow the original court to set the calendar for the hearing in the thirty days.

Dated November 20 2024

Respectfully submitted

By Claudia Harris

Per Se
Plaintiff
139-18 109 typed
Jamaica New York 11438

EXPERIAN & INFORMATION SOLUTIONS, INC.

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Where is EXPERIAN INFORMATION SOLUTIONS, INC. located?

EXPERIAN INFORMATION SOLUTIONS, INC.
is located at 1271 Avenue OF The Americas
New York, NY, 10020-1300 United States

What is EXPERIAN INFORMATION SOLUTIONS, INC.'s industry?

What is EXPERIAN INFORMATION
SOLUTIONS, INC.'s phone number?



Privacy - Terms

What is EXPERIAN INFORMATION SOLUTIONS, INC.'s website?



Who is EXPERIAN INFORMATION



Exhibit A

EQUIFAX & INFORMATION SERVICES LLC

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Family

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Where is EQUIFAX INFORMATION
SERVICES LLC located?

EQUIFAX INFORMATION SERVICES LLC is
located at 708 3RD Ave New York, NY, 10017-
4201 United States

What is EQUIFAX INFORMATION
SERVICES LLC's industry?



What is EQUIFAX INFORMATION
SERVICES LLC's phone number?



What is EQUIFAX INFORMATION



Exhibit A



dnb.com



**Civil Court of the City of New York
County of Queens**Index Number: **CV-022221-24/QU****CLAUDIA HARRIS**

Plaintiff(s)

-against-

EXPERIAN INFORMATION SOLUTIONS, INC;
EQUIFAX INFORMATION
SERVICES, LLC

Defendant(s)

**SUMMONS WITH ENDORSED
COMPLAINT**

BASIS OF VENUE: Plaintiff's residence

Plaintiff's Address (s) :

CLAUDIA HARRIS
139-18 109TH RD
Jamaica, NY 11435

To the named defendant (s)

EXPERIAN INFORMATION SOLUTIONS, INC (Deft), at c/o REGISTERED AGENT CT CORPORATION SYSTEM, 28 LIBERTY STREET, 42ND FL, New York, NY 10005
 EQUIFAX INFORMATION SERVICES, LLC (Deft), at c/o REGISTERED AGENT CORPORATION SERVICE CORP, 19 WEST 44TH ST, SUITE 200, New York, NY 10036 or 80 State St Suite 24, Albany, NY 12207

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of Queens at the office of the Clerk of the said Court at 89-17 Sutphin Boulevard in the County of Queens, City and State of New York, within the time provided by law as noted below and to file your answer to the (endorsed summons) (annexed complaint) * with the Clerk; upon your failure to answer, judgment will be taken against you for the total sum of \$50,000.00 and interest as detailed below.
 Plaintiff's work sheet may be attached for additional information if deemed necessary by the clerk.

Date: September 19, 2024

Tanya Faye
Acting Chief Clerk**ENDORSED COMPLAINT**

The nature and the substance of the plaintiff's cause of action is as follows: **Failure to provide proper services; Personal Injuries; Repairs; Return of Security; Breach of Contract or Warranty; Defamation of character; Failure to comply with FCRA Guidelines and 15 USC 1681; for \$50,000.00 with interest from 08/21/2023**

***NOTE TO THE DEFENDANT**

- A) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or
- B) If the summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after the proof of service thereof is filed with the Clerk of this Court within which to appear and answer.
- C) Following CPLR 321(a) corporations must be represented by an attorney.

*** NOTE TO THE SERVER OF THE SUMMONS**

The person who serves the summons should complete the Affidavit of Service and shall file it in the Clerk's Office in the county where the action is brought.

PLAINTIFF'S CERTIFICATION
(See 22NYCRR, Section 130-1.1a)SIGN NAME: Claudia Harris
PRINT NAME: CLAUDIA HARRIS